

FILED

JUL 8 - 2005

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

1 BARRY J. PORTMAN
Federal Public Defender
2 HILARY A. FOX
Assistant Federal Public Defender
3 555 12th Street, Suite 650
Oakland, CA 94607
4 Tel: (510) 637-3500
Counsel for Defendant RAFAEL
5
6
7

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10
11

12 UNITED STATES OF AMERICA,
13 Plaintiff,

14 v.
15 MANUEL RAFAEL,

16 Defendant.

) No. CR 05-0352-DLJ (WDB)
))
)) STIPULATION AND [PROPOSED]
)) ORDER REGARDING POSTING OF
)) PROPERTY
))
))

17 Defendant Manuel Rafael has been ordered released pending trial pursuant to a bond secured
18 by the posting of property. Mr. Rafael's grandparents have completed the process of transferring
19 title of the property to the Clerk of the Court and having the new deed of trust recorded with the
20 county clerk's office. The family will therefore be submitting on July 8, 2005, the original
21 recorded deed of trust and accompanying obligation signed by the property owners pledging the
22 property.

23 Under the Court's property posting guidelines issued June 15, 1995, defendant is also
24 required to submit two independent appraisals performed by licensed appraisers. In this case, the
25 parties stipulate and agree that it shall be sufficient for defendant to submit a single recent
26 appraisal performed by a licensed real estate agent and former licensed real estate appraiser that is

STIP RE: TRAVEL

*of CC. WDB's Stats, -1 Copy served to parties
by ECF, Financial, Frances, Prelim*

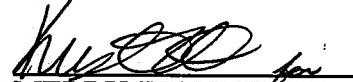
1 based upon a comparable market analysis.

2 Finally, the guidelines also require defendant to submit a current title report that reflects the
3 filing of the Deed of Trust to the Clerk of Court as well as all prior liens and encumbrances on the
4 property, and current title insurance. In this case, defendant's grandmother will swear under oath
5 that the property is fully paid off. In addition, the grandmother's real estate agent and financial
6 advisor has stated in writing that the property is free and clear of any tax and or mechanics liens
7 of any kind as far as he is aware, and that a full title search has been requested to confirm this.
8 Under these circumstances, the parties stipulate and agree that the property posting may proceed
9 based upon the letter from Pedro Adao, dated June 28, 2005, and that the current title report will
10 be submitted to the Court as soon as it is received and no later than July 29, 2005. The parties
11 stipulate and agree that the requirement regarding title insurance shall be waived.

12

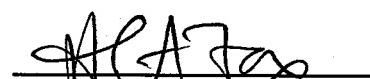
13 SO STIPULATED.

14 Dated: July 8, 2005


MERRY JEAN CHAN
Assistant United States Attorney

17 SO STIPULATED.

18 Dated: July 8, 2005


HILARY A. FOX
Attorney for Defendant RAFAEL

22

ORDER

23 Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the
24 ORDER of this Court that the property posting guidelines are modified in this case to the extent
25 that (1) it shall be sufficient for defendant to submit a single recent appraisal performed by a
26 licensed real estate agent and former licensed real estate appraiser that is based upon a comparable

1 market analysis; (2) the property posting may proceed based upon the letter from Pedro Adao,
2 dated June 28, 2005, and the current title report shall be submitted to the Court no later than July
3 29, 2005; and (3) the requirement regarding title insurance shall be waived.

4

5 IT IS SO ORDERED.

6 Dated: 7-8, 2005

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

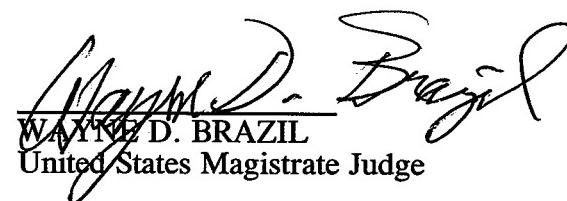
22

23

24

25

26


WAYNE D. BRAZIL
United States Magistrate Judge